

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

In re: )  
 )  
 ) Case No.  
 )  
Debtor (s) )

**MOTION TO AVOID WHOLLY UNSECURED MORTGAGE**  
**AND NOTICE OF OBJECTION DEADLINE**

The debtor(s) hereby move(s) the Court, pursuant to 11 U.S.C. §1322(b), to avoid the wholly unsecured mortgage of (name of creditor) on the following (real/personal) property:

(Describe real property by commonly known address) - referred to as the "Property."

In support of the motion, the debtor(s) state(s) the following:

1. The debtor(s) filed a case on (date) - referred to as the "Petition Date."
2. The creditor obtained a mortgage on the Property on (date).
3. The value of the Property as of the Petition Date is (value).
4. The other liens on the Property are as follows: (list lienholders and amounts), and the total amount of all other liens on the Property is (amount). [Also identify any of the other liens or mortgages that the debtor has or will be seeking to avoid by separate motion.]
5. The creditor's mortgage is in the amount of (amount).
6. The creditor's mortgage is wholly unsecured and is subject to avoidance under 11 U.S.C. §1322(b).

**PLEASE TAKE NOTICE THAT** any objection must be filed with the Bankruptcy Clerk within **21 days** of the date of this notice [or such other time period as may be permitted

by Fed.R. Bankr.P. 9006(f)]. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

**(Select the appropriate address. Any Indianapolis case must list the address exactly as shown below.)**

**Indianapolis**

116 U.S. Courthouse  
46 E. Ohio St.  
P.O. Box 44978  
Indianapolis, IN 46244

**Evansville**

352 Federal Bldg.  
101 NW M.L. King Blvd.  
Evansville, IN 47708

**New Albany**

110 U.S. Courthouse  
121 W. Spring St.  
New Albany, IN 47150

**Terre Haute**

Federal Building  
921 Ohio Street  
Terre Haute, IN 47807

The objecting party must ensure delivery of the objection to the party filing the motion.  
**If an objection is NOT timely filed, the requested relief may be granted.**

WHEREFORE, debtor(s) move(s) the Court to enter an order avoiding creditor's mortgage and granting such other relief as appropriate.

/s/ Counsel for Debtor(s)  
Counsel for Debtor(s)  
(required signature block)

**CERTIFICATE OF SERVICE**

(See the form "[Certificate of Service - Generic](#)" on the Court's website under "Bankruptcy Forms and Instructions.")